



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 11, 1995

Mr. Burton F. Raiford  
Commissioner  
The Texas Department of Human Services  
P.O. Box 149030  
Austin, Texas 78714-9030

OR95-927

Dear Mr. Raiford:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30993.

The Texas Department of Human Services (the "department") received an open records request for the names of persons who conducted "utilization and assessment reviews" on certain named individuals identified by the requestor as being Medicaid recipients. You explain that

these reviews are conducted under medicaid by Peer Review Organizations (PRO) as authorized in 42 CFR Part 462. By virtue of a medicaid waiver the department's utilization and assessment section is the medicaid PRO for Texas.

You contend that because all information pertaining to the administration of services to individual Medicaid recipients, including those recipients names, is deemed confidential by state and federal law, the current open records request would in essence require the department to confirm the fact that the identified individuals are in fact Medicaid recipients in violation of those laws.

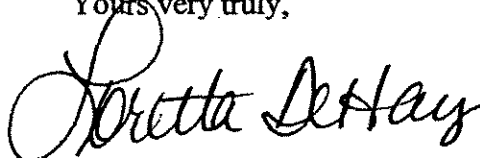
We agree. In Open Records Decision No. 584 (1991), this office concluded that

[t]he Open Records Act does not authorize the disclosure of any information about individual clients of the Aid to Families with Dependent Children and Medicaid programs administered by the Texas Department of Human Services. Sections 12.003 and 21.012 of the Human Resources Code, in accordance with title 42, section 602(a)(9), of the United States Code, forbid disclosure of any such information for purposes not directly connected with the administration of the programs.

The current open records request does not appear to be "directly connected with the administration of" Medicaid. Accordingly, the department need not comply with this request.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/RWP/rho

Ref.: ID# 30993

cc: Ms. Patricia E. Shannon  
Legal Assistant  
McGinnis, Lochridge & Kilgore  
1300 Capitol Center  
919 Congress Avenue  
Austin, Texas 78701

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<sup>1</sup>But see Gov't Code § 552.022(2) (name, title, and dates of employment of public employees generally available to public). We reach our conclusion here only because the requestor has asked for the names of public employees in relation to specifically identified Medicaid recipients.